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Attorneys for Defendants
THUNDERWOOD HOLDINGS, INC.,
BRIAN DUNNING, and BRIANDUNNING.COM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EBAY INC., Plaintiff, vs. DIGITAL POINT SOLUTIONS, INC.; SHAWN HOGAN; KESSLER's FLYING CIRCUS; THUNDERWOOD HOLDINGS, INC.; TODD DUNNING; DUNNING ENTERPRISES, INC.; BRIAN DUNNING; BRIANDUNNING.COM; and DOES 1-20, Defendants.	CASE NO. CV 08-4052 JF (PVT) **STIPULATION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE; ORDER THEREON** Honorable Jeremy Fogel, Judge presiding

TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT COURT:

The parties to this action, by and through their attorneys of record, hereby agree and stipulate based on the following recitals:

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RECITALS

A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

B. The Initial Case Management Conference is currently set for March 23, 2009 at 10:30 a.m.

C. All Defendants to the action filed Motions to Dismiss the Complaint. Defendants' Motions were heard on December 12, 2008.

D. Defendants' Motions to Dismiss were granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff has until March 26, 2009 to file an amended complaint.

E. Plaintiff intends to file an amended complaint on or before March 26, 2009. It is anticipated that one or more of the Defendants will challenge the amended complaint.

F. The parties agree that the Initial Case Management Conference will be more productive if it is continued to enable resolution of the pleadings.

WHEREFORE, the Parties agree as follows:

1. The Initial Case Management Conference presently set for March 23, 2008 at 10:30 a.m. is continued to May 15, 2009 at 10:30 a.m.

2. The Stipulation may be executed in one or more counterparts.

DATED: March 17, 2009

O'MELVENY & MYERS

By: ____________________
David R. Eberhart
Sharon Bunzel
Attorneys for Plaintiff eBay, Inc.

DATED: March 17, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

By: ____________________
Leo J. Presiado
Attorneys for Defendants Thunderwood Holdings, Inc., Brian Dunning and BrianDunning.com

DATED: March 17, 2009

FREELAND, COOPER & FOREMAN, LLP

By: [signature]
Stewart H. Foreman
Attorneys for Defendants Todd Dunning and Dunning Enterprises, Inc.

DATED: March __, 2009

COAST LAW GROUP. LLP

By:____________________
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc. and Shawn Hogan

DATED: March __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By:____________________
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

DATED: March __, 2009

FREELAND, COOPER & FOREMAN, LLP

By:______________________________
Stewart H. Foreman
Attorneys for Defendants Todd Dunning and Dunning Enterprises, Inc.

DATED: March 17, 2009

COAST LAW GROUP. LLP

By:______________________________
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc. and Shawn Hogan

DATED: March __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By:______________________________
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

DATED: March __, 2009

FREELAND, COOPER & FOREMAN, LLP

By:______________________________
Stewart H. Foreman
Attorneys for Defendants Todd Dunning and Dunning Enterprises, Inc.

DATED: March __, 2009

COAST LAW GROUP. LLP

By:______________________________
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc. and Shawn Hogan

DATED: March 17, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By: [signature]
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing: **STIPULATION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE; ORDER THEREON** was filed with the Court's Electronic Filing System on March 17, 2009 and may be accessed electronically.

s/ Leo J. Presiado
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